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United States Patent and Trademark Office
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OCT 18 2010

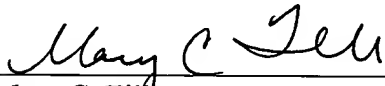
David B. Quick
ICE MILLER LLP
One American Square
Suite 2900
Indianapolis, IN 46282-0200

In Re: Patent Term Extension
Application for
U.S. Patent No. 4,919,140

Dear Mr. Quick :

An order granting interim extension under 35 U.S.C. § 156(d)(5) is enclosed extending the term of U.S. Patent No. 4,919,140 for a period of 1 year. A copy of the Federal Register notice published in accordance with 35 U.S.C. 156(d)(5)(B) on October 13, 2009 at 75 Fed. Reg. 62767 is enclosed herewith. While a courtesy copy of this letter and the interim extension is being forwarded to the Food and Drug Administration (FDA), you should directly correspond with the FDA regarding any required changes to patent expiration dates.

Inquiries regarding this communication should be directed to the undersigned by telephone at (571) 272-7755, or by e-mail at mary.till@uspto.gov.



Mary C. Till

Legal Advisor
Office of Patent Legal Administration
Office of the Associate Commissioner
for Patent Examination Policy

cc: Office of Regulatory Policy
Food and Drug Administration
10903 New Hampshire Ave., Bldg. 51, Rm. 6222
Silver Spring, MD 20993-0002

RE: Andara™ OFS™ System
FDA Docket No.:

Attention: Beverly Friedman

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Purdue Research Foundation :
Request for Patent Term Extension : **ORDER GRANTING**
U.S. Patent No. 4,919,140 : **INTERIM EXTENSION**

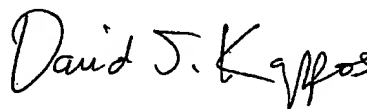
On September 13, 2010, the patent owner, Purdue Research Foundation, timely filed a third application under 35 U.S.C. § 156(d)(5) for an interim extension of the term of U.S. Patent No. 4,919,140. The patent claims the medical device known as Andara™ OFS™ System and a method of using the Andara™ OFS™ System. The application indicates that a Humanitarian Device Exemption, HDE 070002, for the medical device Andara™ OFS™ System has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. § 156, and that the patent should be extended for an additional one year as required by 35 U.S.C. § 156(d)(5)(B). Because it is apparent that the regulatory review period will continue beyond the extended expiration date of the patent (October 14, 2010), interim extension of the patent term under 35 U.S.C. § 156(d)(5) is appropriate.

A third interim extension under 35 U.S.C. § 156(d)(5) of the term of U.S. Patent No. 4,919,140 is granted for a period of one year from the extended expiration date of the patent, i.e., until October 14, 2011.

October 8, 2010

Date



David J. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

Dated: October 7, 2010.

Robert W. Bahr,
*Acting Associate Commissioner for Patent
Examination Policy, United States Patent and
Trademark Office.*

[FR Doc. 2010-25768 Filed 10-12-10; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO-P-PTO-P-2010-0081]

Grant of Interim Extension of the Term of U.S. Patent No. 4,919,140; Andara™ OFS™ System

AGENCY: United States Patent and
Trademark Office.

ACTION: Notice of interim patent term
extension.

SUMMARY: The United States Patent and
Trademark Office has issued an order
granting interim extension under 35
U.S.C. 156(d)(5) for a third one-year
interim extension of the term of U.S.
Patent No. 4,919,140.

FOR FURTHER INFORMATION CONTACT:
Mary C. Till by telephone at (571) 272-
7755; by mail marked to her attention
and addressed to the Commissioner for
Patents, Mail Stop Hatch-Waxman PTE,
P.O. Box 1450, Alexandria, VA 22313-
1450; by fax marked to her attention at
(571) 273-7755, or by e-mail to
Mary.Till@uspto.gov.

SUPPLEMENTARY INFORMATION: Section
156 of Title 35, United States Code,
generally provides that the term of a
patent may be extended for a period of
up to five years if the patent claims a
product, or a method of making or using
a product, that has been subject to
certain defined regulatory review, and
that the patent may be extended for

interim periods of up to one year if the
regulatory review is anticipated to
extend beyond the expiration date of the
patent.

On September 13, 2010, the patent
owner, Purdue Research Foundation,
timely filed an application under 35
U.S.C. 156(d)(5) for a third interim
extension of the term of U.S. Patent No.
4,919,140. The patent claims the
medical device Andara™ OFS™
System and a method of using the
Andara™ OFS™ System. The
application indicates that a
Humanitarian Device Exemption, HDE
070002, for the medical device
Andara™ OFS™ System has been filed
and is currently undergoing regulatory
review before the Food and Drug
Administration for permission to market
or use the product commercially.

Review of the application indicates
that except for permission to market or
use the product commercially, the
subject patent would be eligible for an
extension of the patent term under 35
U.S.C. 156, and that the patent should
be extended for an additional one year
as required by 35 U.S.C. 156(d)(5)(B).
Because it is apparent that the
regulatory review period will continue
beyond the extended expiration date of
the patent (October 14, 2010), interim
extension of the patent term under 35
U.S.C. 156(d)(5) is appropriate.

A third interim extension under 35
U.S.C. 156(d)(5) of the term of U.S.
Patent No. 4,919,140 is granted for a
period of one year from the extended
expiration date of the patent, *i.e.*, until
October 14, 2011.

Dated: October 7, 2010.

Robert W. Bahr,
*Acting Associate Commissioner for Patent
Examination Policy, United States Patent and
Trademark Office.*

[FR Doc. 2010-25767 Filed 10-12-10; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10-53, 10-54, 10-55, 10-
59, 10-60, 10-61, and 10-63]

36(b)(1) Arms Sales Notifications

AGENCY: Defense Security Cooperation
Agency, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense is
publishing the unclassified text of seven
section 36(b)(1) arms sales notifications
to fulfill the requirements of section 155
of Public Law 104-164, dated 21 July
1996.

FOR FURTHER INFORMATION CONTACT: Ms.
B. English, DSCA/DBO/CFM, (703) 601-
3740.

SUPPLEMENTARY INFORMATION: The
following are copies of letters to the
Speaker of the House of Representatives,
Transmittals 10-53, 10-54, 10-55, 10-
59, 10-60, 10-61, and 10-63 with
associated attachments.

Dated: October 6, 2010.

Mitchell S. Bryman,
*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

Transmittal No. 10-53

The following is a copy of a letter to
the Speaker of the House of
Representatives, Transmittal 10-53 with
attached transmittal and policy
justification.

BILLING CODE 5001-06-P